

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

September 10, 2019

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Notice was duly published September 3, 2019 on Page 6 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held on September 10, 2019 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Chair Mary Ridder called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, and Tim Schram present and Commissioner Dan Watermeier excused. Chair Ridder stated that a copy of the Nebraska Open Meetings Act is posted in the meeting room and invited the public to address the Commission. No public comments were received. No announcements were made.

Attention was called to the following proceedings:

Tuesday, September 10, 2019:

NUSF-99.48 Windstream Broadband Grant support - **Hearing**
1:30 p.m. - Commission Hearing Room

Tuesday, September 17, 2019:

Commission Meeting

10:00 Commission Hearing Room, Lincoln

COMMUNICATIONS DEPARTMENT

C-5074 In the Matter of the Application of Fusion Connect, Inc. and Fusion, LLC, Atlanta, Georgia, seeking Transfer of Control to Telecom Holding, LLC, Washington, D.C. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order granting application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder and Tim Schram voting AYE, and Commissioner Dan Watermeier excused not voting.

C-5066 In the Matter of the Application of Arapahoe Cable TV, Inc., Arapahoe, Nebraska, seeking approval of a name change to Applied Communications Technology, Inc., Arapahoe, Nebraska. Motion made by Commissioner Rod Johnson, seconded by Commissioner Crystal Rhoades, to enter an Order granting application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder and Tim Schram voting AYE, and Commissioner Dan Watermeier excused not voting.

C-5068 In the Matter of the Application of Talk America Services, LLC, Little Rock, Arkansas, seeking authority to withdraw its local exchange and interexchange certificates of authority and cancel its tariffs. Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Rod Johnson, to enter an Order granting Withdrawal of Application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder and Tim Schram voting AYE, and Commissioner Dan Watermeier excused not voting.

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- C-5070 In the Matter of the Application of Consolidated Telco, Inc., Lincoln, Nebraska, seeking approval of an interconnection agreement with Level 3 Communications, LLC, Littleton, Colorado;
- C-5071 In the Matter of the Application of Great Plains Communications, LLC, Blair, Nebraska, seeking approval of an interconnection agreement with Level 3 Communications LLC, Littleton, Colorado;
- C-5072 In the Matter of the Application of Arapahoe Telephone Company d/b/a ATC Communications, Arapahoe, Nebraska, seeking approval of an Interconnection Agreement with Level 3 Communications, LLC, Littleton, Colorado; and
- C-5073 In the Matter of the Application of Hamilton Telephone Company, Aurora, Nebraska, seeking approval of an interconnection agreement with Level 3 Communications, LLC, Littleton, Colorado. Motion made by Commissioner Tim Schram, seconded by Commissioner Crystal Rhoades, to enter Orders granting applications C-5070, C-5071, C-5072, and C-5073. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder and Tim Schram voting AYE, and Commissioner Dan Watermeier excused not voting.

Cullen Robbins informed the Commission of the telecommunications complaints and outages received by the Communications Department during the preceding month.

| Telephone Company | Affected Area | Outage Date | Completion Date | Duration | Number of Access Lines | Cause Primary | Comments |
|----------------------------------|---|-------------|-----------------|----------|------------------------|---------------|--|
| Qwest Corporation | Valentine | Aug-05-19 | Aug-06-19 | 0 d 5 h | 109 | Cable Cut | USIC failed to complete a locate by the request date. They have discussed with USIC and they are paying for the damage to the cable including the repair costs. |
| Qwest Corporation | Omaha | Aug-12-19 | Aug-12-19 | 0 d 13 h | 112 | Equipment | Failed Cable. Repaired Copper Cable |
| Qwest Corporation | Omaha | Aug-12-19 | Aug-14-19 | 2 d 5 h | 124 | Equipment | Failed copper cable. Repaired Copper Cable |
| Elsie Communications, Inc. | Dalton, Gurley, Lodgepole, Dix and Bushnell | Aug-13-19 | Aug-14-19 | 0 d 15 h | 283 | Cable Cut | Fiber cut in Colorado affecting the connection to the core in Denver. Networks normalized at 3:35 AM MDT 8/14/19, all services are restored. |
| Blair Telephone Company | All Exchanges | Aug-16-19 | Aug-16-19 | d 7 h | 10000 | Equipment | Failing firewall for external traffic was causing intermittent loss of toll traffic |
| Windstream Nebraska, Inc. | Saunders County | Aug-16-19 | Aug-17-19 | 0 d 14 h | 3845 | Equipment | Saunders County E911 was impacted by a suspended line in the DMS switch. Technicians removed the suspension to resolve. This report was not originally filed because a technician did not follow process and the technician will be coached. |
| Great Plains Communications, LLC | Mirage Flats | Aug-21-19 | Aug-21-19 | 0 d 2 h | 65 | Equipment | GP was doing a Switch Cutover maintenance and found out that there was a data fill error on the TA5000 that got exposed when the new VOIP switches were installed. |
| Qwest Corporation | Grand Island | Aug-26-19 | Sep-07-19 | 12 d h | 234 | Cable Cut | Cable went out due to wet conditions; unable to deploy cable through existing duct, had to get emergency approval from the city to re-bore conduit |
| Qwest Corporation | Omaha | Aug-27-19 | Aug-29-19 | 1 d 21 h | 4 | Cable Cut | Copper cable event. - Vandalism - Cable was spliced to restore service. Cross-connect box hit by car, then vandals cut off cables at the ground. Police report was filed |
| Windstream Nebraska, Inc. | Lincoln | Aug-27-19 | Sep-03-19 | 7 d h | 487 | Cable Cut | Cable was hit by a contractor for ALLO at 51st & Huntington. 3600 pair cable. |

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STATE 911 DEPARTMENT

911-042.37 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Morrill County. Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Tim Schram to enter an Order approving funding. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder and Tim Schram voting AYE, and Commissioner Dan Watermeier excused not voting.

911-042.64 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Sarpy County. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson to enter an Order approving funding. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder and Tim Schram voting AYE, and Commissioner Dan Watermeier excused not voting.

NATURAL GAS DEPARTMENT

NG-90.1 In the Matter of Black Hills/Nebraska Gas Utility, LLC, d/b/a Black Hills Energy, Papillion, seeking approval to adjust the surcharge for the Farm Tap Safety Program for the 2018-19 year. Commissioner Rod Johnson residing as Hearing Officer;

NG-100 In the Matter of the Joint Application of Black Hills Gas Rapid City, South Dakota, seeking approval to consolidate the Nebraska tariffs, assets, liabilities, and operations of the two companies, and to rename the consolidated entity Black Hills Nebraska Gas, LLC. Commissioner Dan Watermeier presiding as Hearing Officer; and

NG-101/
PI-224 In the Matter of the Commission, on its own motion, opening an investigatory docket for the purpose of general monitoring of issues regarding the natural gas industry and jurisdictional utilities in Nebraska. Commissioner Rod Johnson residing as Hearing Officer. NG-101.1 Black Hills/Nebraska Gas Utility Company, LLC, and Black Hills Gas Distribution, LLC, d/b/a Black Hills Energy. Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Rod Johnson, to enter assessment orders BA-2 in NG-90.1; BA 7 and BA-8 in NG-100; and BA-2 in NG-101.1/PI-224. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder and Tim Schram voting AYE, and Commissioner Dan Watermeier excused not voting.

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NATURAL GAS DEPARTMENT (Cont.)

NG-101/
PI-224 In the Matter of the Commission, on its own motion, opening an investigatory docket for the purpose of general monitoring of issues regarding the natural gas industry and jurisdictional utilities in Nebraska. Commissioner Rod Johnson residing as Hearing Officer. Nichole Mulcahy informed the Commission of the quarterly status meetings scheduled on October 9, 2019, at 9:00 a.m. in the Commission Hearing Room with NorthWestern Energy and scheduled on October 17, 2019, from 9:00 a.m. in the Commission Hearing Room with Black Hills Energy.

NG-90.2 In the Matter of Black Hills/Nebraska Gas Utility, LLC, d/b/a Black Hills Energy, Papillion, seeking approval to adjust the surcharge for the Farm Tap Safety Program for the 2019-2020 year. Commissioner Rod Johnson residing as Hearing Officer. Nichole Mulcahy informed the Commission of the hearing scheduled on October 16, 2019, at 10:00am in the Commission Hearing Room.

TRANSPORTATION DEPARTMENT

B-1988 In the Matter of the Application of Mana, Louis & Kemsean Transportation Services, LLC, d/b/a MLK Transportation Services, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by sedan and van in open class service between points in Douglas, Lancaster, and Sarpy Counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes. Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Tim Schram, to enter an Order of pending dismissal. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder and Tim Schram voting AYE, and Commissioner Dan Watermeier excused not voting.

B-2000 In the Matter of the Application of CJ's Party Bus, LLC, Bellevue, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus in special party and charter service between points in Douglas and Sarpy counties and between said counties over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No. Motion made by Commissioner Tim Schram, seconded by Commissioner Crystal Rhoades, to enter an Order granting Application. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder and Tim Schram voting AYE, and Commissioner Dan Watermeier excused not voting.

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TRANSPORTATION DEPARTMENT (Cont.)

B-1998 In the Matter of the Application of Mike's Transportation Services LLC, Lincoln, seeking to acquire, through transfer, the authority held by Golden Plains Services, Inc., d/b/a GPS Transportation, Lincoln, in Certificate No. B-1829, and

B-1999 In the Matter of the Application of Mike's Capital Cab LLC, Lincoln, seeking to acquire, through transfer, the authority held by Servant Cab Company, LLC, d/b/a Yellow Cab Company and Capital Cab Company, Lincoln, in Certificate B-1581. Jamie Reyes, the Director of Transportation, discusses Hearing Officer Orders for Dockets B-1998 and B-1999, which were entered on September 6, 2019.

FC-1368 Cynthia M. Taylor, Omaha, Nebraska, Complainant v. Golden Plains Services, Inc. d/b/a GPS Transportation, Lincoln, Defendant. Jamie Reyes discusses Hearing Officer Order that was entered on September 5, 2019.

BR-560/ In the Matter of the Application of Recommended Care
B-1986 Solutions, LLC, Omaha, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3. Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Rod Johnson, to enter an Order NUNC Pro Tunc. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder and Tim Schram voting AYE, and Commissioner Dan Watermeier excused not voting.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

MANF-12 In the Matter of the Commission, on its own motion, seeking to determine the seal fee amount for the Manufactured Home Program;

MODF-13 In the Matter of the Commission, on its own motion, seeking to determine the seal fee amount for the Modular Housing Program; and

RVF-13 In the Matter of the Commission, on its own motion, seeking to determine the fees for the Recreational Vehicle Program.

Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Rod Johnson to enter orders setting the fees for MANF-12, MODF-13, RVF-13. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder and Tim Schram voting AYE, and Commissioner Dan Watermeier excused not voting.

GENERAL ADMINISTRATION

Executive Director's recommendation to approve Commission invoices. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson. Motion passed with Commissioners Rod Johnson, Mary Ridder and Tim Schram voting AYE, Commissioner Crystal Rhoades present not voting, and Commissioner Dan Watermeier excused not voting.

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| | | |
|-----------------|----|--------|
| James Almond | \$ | 279.07 |
| Crystal Rhoades | | 708.18 |
| Tim Schram | | 512.72 |

The following invoices were paid between 08/07/19 and 08/26/19 and should be ratified:

| | | |
|-----------------|----|--------|
| Michael Bartels | \$ | 866.22 |
| Theresa Fritz | | 381.44 |
| Robert Leigh | | 46.46 |

Executive Director's recommendation to authorize Commissioner Dan Watermeier to travel to and attend the National Association of Regulatory Utility Commissioners' (NARUC) New Commissioner Regulatory Orientation in Washington, D.C. from September 8 to September 10, 2019, with all expense to be reimbursed by NARUC. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson. Motion passed with Commissioners Rod Johnson, Mary Ridder and Tim Schram voting AYE, Commissioner Crystal Rhoades present not voting, and Commissioner Dan Watermeier excused not voting.

Executive Director's recommendation to approve the nomination of Employee of the Year. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson. Motion passed with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder and Tim Schram voting AYE, and Commissioner Dan Watermeier excused not voting.

The meeting adjourned at 10:24 a.m. with Commissioners Rod Johnson, Crystal Rhoades, Mary Ridder, and Tim Schram present and Dan Watermeier excused. The next regularly scheduled meeting will be held on September 17, 2019 at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on September 16, 2019.



Chair



Executive Director